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wrong. To what extent competition justifies, is a very debatable question of public policy. See 20 HARV. L. REV. 356 *et seq.* Clearly competition is no justification for falsehood.

EVIDENCE — ADMISSIONS — DECLARATIONS BY PREDECESSORS IN TITLE. — In an action of ejectment, involving a controversy over a boundary line not clearly described in the deeds, the defendant sought to introduce evidence of admissions made by the plaintiff's predecessors in title, to the effect that the boundary was as claimed by the defendant. *Held*, that parol admissions are competent only when possession, not ownership, is in issue. *Gilmartin v. Buchanan*, 119 N. Y. Supp. 489 (Sup. Ct., App. Div.). See NOTES, p. 397.

EXECUTORS AND ADMINISTRATORS — RIGHTS, POWERS, AND DUTIES — DEBTOR AS PERSONAL REPRESENTATIVE OF DECEDENT. — The testator named as executors two debtors of his own. *Held*, that their obligations are to be deemed assets of the estate. *Wachsmuth v. Penn Mutual Life Ins. Co.*, 89 N. E. 787 (Ill.). See NOTES, p. 391.

EXECUTORS AND ADMINISTRATORS — RIGHTS, POWERS, AND DUTIES — RIGHT TO RECOVER EXCESS PAYMENT FROM CREDITOR. — An administratrix, through negligence or mistake, paid the defendant a debt against the estate with estate funds. Later, the estate was declared insolvent and a *pro rata* payment of creditors was decreed. *Held*, that the administratrix can recover the payment in excess of the defendant's *pro rata* share. *Woodruff v. Clafflin Co.*, 133 N. Y. App. Div. 874.

At common law the administrator's right of preference allowed him to pay one creditor in full, regardless of the others. *Lytleton v. Cross*, 3 B. & C. 317, 322. As such a payment was properly made it could not later be recovered. A legacy, however, when paid before the estate was known to be insolvent could be recovered. Under the modern rule that creditors should be paid *pro rata*, the excess paid to one creditor is more analogous to the payment of a legacy than to the old preferential payment. *Walker v. Hill*, 17 Mass. 380. Accordingly, the administrator has been allowed to recover on the ground of a contract to refund implied by law, or of a mistake of fact. *Wolf v. Beard*, 123 Ill. 585. A broader reason for recovery is that the preferred creditor has been unjustly enriched at the expense of other creditors. *Morris v. Porter*, 87 Me. 510. *Contra*, *Beardsley v. Marsteller*, 120 Ind. 319. Some courts deny recovery to a negligent administrator. *Lawson's Adm'rs v. Hansborough*, 10 B. Mon. (Ky.) 147. Others allow it even though the payment was tortious, reasoning that equity should encourage the administrator to right his wrong. *Clark v. Hougham*, 2 B. & C. 149. Such is the prevailing doctrine in the case of trustees. *Wetmore v. Porter*, 92 N. Y. 76. Were the defendant's real rights prejudiced, an exception might properly be made. *Brooking v. Farmers' Bank*, 83 Ky. 431. But where the defendant deserves only his proper *pro rata* share, the administrator should recover.

EXTRADITION — INTERSTATE EXTRADITION UNDER THE UNITED STATES CONSTITUTION — ABSOLUTENESS OF DUTY TO SURRENDER FUGITIVE FROM JUSTICE. — The Governor of Mississippi issued in due form to the Governor of Missouri a requisition for the arrest of the petitioner, a negro fugitive from justice. After being duly arrested, the petitioner sued out a writ of *habeas corpus*, on the ground that the race feeling in Mississippi would deprive him of a fair trial and of equal protection of the laws. *Held*, that he is not entitled to the writ, for the Governor of Missouri has a right to assume that the prisoner will be given a legal trial in Mississippi. *Marbles v. Creecy*, 30 Sup. Ct. 33.

The federal constitution provides for interstate extradition for all crimes. U. S. CONST. Art. 4, § 2, ¶ 2. And by statute it is made the duty of the executive